

Applicants wish to thank the Examiner for the indication of allowable subject matter in claims 14 and 15. Claims 1-18 remain pending in this application. No new matter has been added by this Reply.

Applicants respectfully traverse the 35 U.S.C. § 102(b) rejection of claims 1, 3, 8-12, and 16-18 for at least the reason that Schleicher et al. does not disclose every claim element. For example, independent claims 1 and 16, from one of which claims 3, 8, 9, 17, and 18 depend, recite a combination of elements including, among other things, a control system operable to receive at least one input indicative of a current power output of a power source, and to limit desired transmission load applied to a driven member of a transmission based on the current output of the power source to thereby prevent the power source from operating outside of a desired operating range. In addition, independent claim 10, from which claims 11 and 12 depend, recites a combination of steps including, among other things, estimating a current output of a power source, identifying a desired load on a transmission, and limiting the desired load applied to a driven member of the transmission based on the estimate of the current power output of the power source to prevent the power source from operating outside of a desired operating range. Schleicher et al. fails to disclose at least these claim elements.

In the Office Action, the Examiner maintained that Schleicher et al. discloses all of the elements of independent claims 1, 16, and 10. However, on page 3, in paragraph 40 of Schleicher et al., Schleicher et al. discloses a control system that is not at all concerned with a current power output of a power source or of preventing the power source from operating outside of a desired operating range. In contrast, the control system of Schleicher et al. is configured only to regulate a desired torque applied to a

transmission to within a maximum physical limit, wherein a positive increase in engine torque is no longer possible. If the desired torque does not exceed this maximum physical limit, but would cause the engine to operate outside of a desired operating range (e.g., over or under speed related to response), the control system of Schleicher et al. has absolutely no limiting affect on the desired load applied to the transmission. In other words, Schleicher et al. does not limit based on a current power output, but only limits based on a maximum engine limit, and does not limit to prevent a power source from operating outside of a desired operating range, but only limits to prevent requesting an engine torque that is unavailable.

Because Schleicher et al. does not disclose all of the elements of claims 1, 3, 8-12, and 16-18, the section 102(b) rejection of these claims is improper. Accordingly, Applicants request the section 102(b) rejection of claims 1, 3, 8-12, and 16-18 be withdrawn.

Applicants respectfully traverse the 35 U.S.C. § 103(a) rejection of claims 2, 4, 5, and 13 over Schleicher et al. in view of Manken et al. No *prima facie* case of obviousness has been established with respect to claims 2, 4, 5, and 13 for at least the reason that no combination of Schleicher et al. and Manken et al. teaches or suggests every claim element. As recited above, independent claim 1, from which claims 2, 4, and 5 ultimately depend, recites a combination of elements including, among other things, a control system operable to receive at least one input indicative of a current power output of a power source, and to limit desired transmission load applied to a driven member of a transmission based on the current output of the power source to thereby prevent the power source from operating outside of a desired operating range.

As also recited above, independent claim 10, from which claim 13 depends recites a combination of steps including, among other things, estimating a current output of a power source, identifying a desired load on a transmission, and limiting the desired load applied to a driven member of the transmission based on the estimate of the current power output of the power source to prevent the power source from operating outside of a desired operating range. Neither Schleicher et al. nor Manken et al., alone or in combination, discloses at least these claim elements.

As described above, Schleicher et al. does not limit a desired transmission load applied to a driven member of a transmission based on a current power output, but only limits based on a maximum engine limit. Further, Schleicher et al. does not limit a desired transmission load applied to a driven member of a transmission to prevent a power source from operating outside of a desired operating range, but only limits to prevent requesting an engine torque that is unavailable. Manken et al., which was cited only for its alleged teaching of a diesel engine, a variable displacement pump and motor, and a sensor, fails to remedy these deficiencies.

Because Schleicher et al. and Manken et al., alone and in combination, do not disclose all of the elements of claims 2, 4, 5, and 13, the section 103(a) rejection of these claims is improper. Accordingly, Applicants request the section 103(a) rejection of claims 2, 4, 5, and 13 be withdrawn.

Applicants respectfully traverse the 35 U.S.C. § 103(a) rejection of claims 6 and 7 over Schleicher et al. in view of Kuras. No *prima facie* case of obviousness has been established with respect to claims 6 and 7 for at least the reason that no combination of Schleicher et al. and Manken et al. teaches or suggests every claim

element. As recited above, independent claim 1, from which claims 6 and 7 ultimately depend, recites a combination of elements including, among other things, a control system operable to receive at least one input indicative of a current power output of a power source, and to limit desired transmission load applied to a driven member of a transmission based on the current output of the power source to thereby prevent the power source from operating outside of a desired operating range. Neither Schleicher et al. nor Kuras, alone or in combination, discloses at least these claim elements.

As described above, Schleicher et al. does not limit a desired transmission load applied to a driven member of a transmission based on a current power output, but only limits based on a maximum engine limit. Further, Schleicher et al. does not limit a desired transmission load applied to a driven member of a transmission to prevent a power source from operating outside of a desired operating range, but only limits to prevent requesting an engine torque that is unavailable. Kuras, which was cited only for its alleged teaching of a generator and motor, fails to remedy these deficiencies.

Because Schleicher et al. and Kuras, alone and in combination, do not disclose all of the elements of claims 6 and 7, the section 103(a) rejection of these claims is improper. Accordingly, Applicants request the section 103(a) rejection of claims 6 and 7 be withdrawn.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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